

Ser. No. 10/002,684

Remarks

Claims 1-9 and 21-25 were pending in the application. Claims 1-9 and 21-25 were rejected. By the foregoing amendment, no claims are canceled, claims 1 and 22 are amended and claims 26-31 are added. No new matter is presented.

Finality of Action

At paragraph 7 on page 6 of the Office action, the boilerplate language "Applicant's amendment necessitated..." was included. However, the only claim amendment was a formal amendment of dependent claim 6. The examiner appropriately found applicant's arguments to be persuasive at paragraph 1 of the Office action. MPEP 706.07(a) specifically states that an action "will not be made final if it includes a rejection, on newly cited art... of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art." Accordingly, even if the added claims were treated as requiring the newly cited art, unamended claim 1 precludes the imposition of finality. Accordingly, the holding of finality is traversed and applicant requests that it be withdrawn.

Drawings

Applicant appreciates the withdrawal of the objection to the drawings under 37 C.F.R. 1.83(a).

Claim Rejections-35 U.S.C. 102

Applicant appreciates the withdrawal of the rejection of claims 1-7 under 35 U.S.C. 102(e) as being anticipated by Halling '546.

Ser. No. 10/002,684

Claims Rejections- 35 U.S.C. 103

Applicant appreciates the withdrawal of the rejection of claims 8 & 9 under 35 U.S.C. 103(a) as unpatentable over Halling '546 in view of Rynders et al.

In a new ground of rejection, claims 1-7, 9, 22, 24, and 25 were rejected under 35 U.S.C. 103(a) as unpatentable over Halling '814 in view of Harada. Applicant respectfully traverses the rejection. Halling '814 discloses a multi-ply seal. Harada et al. discloses the use of γ precipitation-hardened nickel-base superalloys in turbine use (presumably the turbine blades and vanes of gas turbine engines). There appears to be no suggestion for use as a seal material. The examiner has provided no citation for any motivation to attempt the combination nor has the examiner provided an indication of how the references would teach particular claimed configurations.

Applicant appreciates the examiner's clear citations of column 4, lines 14-17 of Halling '814 as disclosing an asserted integration. That passage identifies the presence of discrete weld lines as permitting the seal plies to "behave as a single, intragally formed unit." These weld lines are limited and discrete lines at the ends of the seal (col. 3, lines 37-42). Applicant has amended claims 1 and 22 to distinguish Halling's limited end welding. The amended language is supported at page 4, lines 9-12 of the present specification. If the examiner, however, believes the particular amendment to be insufficient, the examiner is requested to contact the undersigned to discuss appropriate language (including any language which the examiner would helpfully propose).

Added claims 26-31 further identify the nature and extent of integration and layer positioning. Support for claims 26, 27, 30, and 31 is found at page 4, lines 11-13 of the

Ser. No. 10/002,684

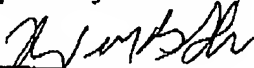
specification. Support for claims 28 and 29 is found at page 4, lines 31-33 of the specification.

In another new ground of rejection, claims 8, 21, and 23 were rejected under 35 U.S.C. 103(a) as unpatentable over Halling '814 in view of Harada and further in view of Rynders et al. Applicant respectfully traverses the rejection.

As noted above, the basic combination of Halling '814 and Harada is believed insufficient. Although Rynders et al. purports to disclose a seal useful in the claimed temperature range, it is a yet-different seal from the presently-claimed seal. Accordingly, Rynders et al. teaches away from the presently claimed invention and teaches away from any attempted combination with Halling '814 and Harada. The examiner has cited no specific structural feature of Rynders et al. which would be applied to the Halling '814 and Harada combination to provide the claimed temperature range. Further, the examiner has cited no source for the alleged motivation to combine.

Accordingly, Applicant submits that claims 1-9 and 21-31 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account 02-0184.

Respectfully submitted,

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